

SENATE RECORD VOTE ANALYSIS

104th Congress
1st Session

Vote No. 19

January 13, 1995, 3:14 p.m.
Page S-941 Temp. Record

UNFUNDED MANDATES/Public-Private Sector Competitiveness

SUBJECT: Unfunded Mandate Reform Act of 1995 . . . S. 1. Kempthorne amendment No. 19.

ACTION: AMENDMENT AGREED TO, 88-0

SYNOPSIS: Pertinent votes on this legislation include Nos. 15-18, 20-41, 43-45, and 47-61.

As reported by the Governmental Affairs Committee and the Budget Committee, S. 1, the Unfunded Mandate Reform Act of 1995, will create 2 majority (51-vote) points of order in the Senate. The first will lie against the consideration of a bill or joint resolution reported by an authorizing committee if it contains mandates and if Congressional Budget Office (CBO) cost estimates on those mandates are unavailable. The second point of order will lie against the consideration of a bill, joint resolution, motion, amendment, or conference report that will cause the total cost of unfunded intergovernmental mandates in the legislation to exceed \$50 million.

The Kempthorne amendment would require committees, for legislation they report that contains Federal mandates, to provide descriptions of the actions they have taken to avoid any adverse impact on the private sector or on the competitive balance between the public sector and the private sector.

NOTE: By unanimous consent, the remaining committee amendments were temporarily laid aside to permit the consideration of the Kempthorne amendment.

Those favoring the amendment contended:

The Kempthorne amendment has been offered to clarify a reporting requirement in S. 1. The bill already will require committee reports to note any competitive disadvantage for the private sector that will result from the passage of a Federal mandate. Additionally, in drafting S. 1, Senators had no intention of upsetting the competitive balance between the public sector and the private sector in areas in which they compete. Therefore, as reported, S. 1 implicitly will require committees to avoid reporting mandate legislation that will harm the private sector's competitiveness in general or that will harm its competitiveness with the public sector

(See other side)

YEAS (88)				NAYS (0)		NOT VOTING (12)	
Republican (48 or 100%)		Democrats (40 or 100%)		Republicans (0 or 0%)	Democrats (0 or 0%)	Republicans (5)	Democrats (7)
Abraham	Inhofe	Akaka	Heflin			Gramm ⁻²	Baucus ⁻²
Ashcroft	Kassebaum	Biden	Hollings			Hatch ⁻²	Boxer ⁻²
Bennett	Kempthorne	Bingaman	Kennedy			Helms ^{-2AY}	Inouye ⁻²
Bond	Kyl	Bradley	Kerrey			Jeffords ⁻²	Johnston ⁻²
Brown	Lott	Breaux	Kerry			Warner ⁻²	Pryor ⁻²
Burns	Lugar	Bryan	Kohl				Reid ⁻²
Chafee	Mack	Bumpers	Lautenberg				Rockefeller ⁻²
Coats	McCain	Byrd	Leahy				
Cochran	McConnell	Campbell	Levin				
Cohen	Murkowski	Conrad	Lieberman				
Coverdell	Nickles	Daschle	Mikulski				
Craig	Packwood	Dodd	Moseley-Braun				
D'Amato	Pressler	Dorgan	Moynihan				
DeWine	Roth	Exon	Murray				
Dole	Santorum	Feingold	Nunn				
Domenici	Shelby	Feinstein	Pell				
Faircloth	Simpson	Ford	Robb				
Frist	Smith	Glenn	Sarbanes				
Gorton	Snowe	Graham	Simon				
Grams	Specter	Harkin	Wellstone				
Grassley	Stevens						
Gregg	Thomas						
Hatfield	Thompson						
Hutchison	Thurmond						

EXPLANATION OF ABSENCE:

1—Official Business
2—Necessarily Absent
3—Illness
4—Other

SYMBOLS:

AY—Announced Yea
AN—Announced Nay
PY—Paired Yea
PN—Paired Nay

in particular. The Kempthorne amendment would make these implicit requirements explicit, and thus merits our total support.

No arguments were expressed in opposition to the amendment.